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09/664,578	09/18/2000	Stephen C. Roderick	130244	3952

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SCHWABE, WILLIAMSON & WYATT, P.C.  
PACWEST CENTER, SUITE 1900  
1211 SW FIFTH AVENUE  
PORTLAND, OR 97204

EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/664,578

Applicant(s)

RODERICK, STEPHEN C.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7,9-11,13,14,18-20,23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7,9-11,13,14,18-20,23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This non-final action is responsive to communications: amendment filed 5/24/2005, to the original application filed 9/18/2000, IDS filed 1/4/2002. Application is a continuation of U.S. Application serial no. 09/228,259 filed 1/11/1999 (now U.S. Patent No. 6,122,648).
2. The examiner acknowledges Applicant's submission of Terminal Disclaimer filed 10/4/2004 to overcome an obviousness type double patenting rejection. Said disclaimer has been accepted. Accordingly, the rejection of the pending claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,122,648 (Roderick '648) has been withdrawn.
3. Claims 3-7, 9-11, 13-14, 18-20, 23, 25-35 pending. Claims 34, 35 have been added. Claims 27, 29, 31 are independent claims.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In regard to dependent claim 35**, it is noted that claim 35 is dependent upon claim 34, which is a Markush type grouping. If it is determined within claim 34 that one query is to be issued, then claim 35 is indefinite, since it is claiming the possibility of more than one query issued. Also note that claim 34 can be interpreted as choosing one of two selections (local or remote information resource), however, claim 35 preserves the possibility of requiring both types of information resources.

***Claim Rejections - 35 USC § 103***

**6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 27, 29, 31-35, 3-4, 6-7, 13-14, 18, 23, 28 are rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al (5,897,622), in view of Nazem et al (5,983,227), and in view of Bij nagte (5,235,680) (said three references listed on Applicant's IDS).**

**As per independent apparatus claim 27 (and similarly, method claim 29, and storage medium claim 31), and dependent claims 6, 28, 30, 32, Blinn discloses processing queries, including the dynamic generation of web pages (see columns 3-4), in which a page is composed for display by processing a template having a request for information from an order.**

Refer also to Blinn's figures 1, 2, 3A, 3B, 5, 10, 12, 14, in which various embodiments illustrating the operation of the dynamic page generator are disclosed, including a processor, storage device, presenting (i.e. provisioning) information to a user etc.. It is, noted that Blinn fails to disclose:

- (1) dependence upon whether or not the page already exists;
- (2) "resource identifier".

However, Nazem discloses (see abstract, figure 2) a user template that is either generated from user preferences or retrieved from a cache of recently used user templates.

Bij nagte discloses communicating real estate information (a resource identifier) between a host computer and a remote display terminal (see abstract).

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It would have been obvious to one of ordinary skill in the art to combine the inventions to Blinn, Nazem, and Bijnagte in arriving at the instant invention because it would be faster to transmit a page that already exists (as in the use of Nazem's cache) rather than always re-create pages that already exist (as in Blinn's invention). It would have been obvious to one of ordinary skill in the art to apply Blinn and Nazem to the field of real estate marketing (as in Bijnagte's invention) because it was well known at the time of the invention to provide such information on the Internet. It would also allow realtors to provide custom templates for individual clients for the purpose of showing properties.

In addition, although Blinn teaches a URL with a server and various identifiers (Blinn column 7 lines 14-26), Blinn does not specifically teach a resource identifier immediately following a server name. However, Nazem teaches a URL with a server name (quote.yahoo.com) with a resource identifier call to Dow Jones immediately after said server (quotes?SYMBOLS=^DJI&detailed=t) (see Nazem column 13 near middle of table listing). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nazem to Blinn, providing Blinn the benefit of adaptation to various types of URL resource calls.

**As per dependent claims 3-4 and 7, (and similarly, claims 13-14, 18, and 23, 33),** it is noted that Blinn and Nazem fail to teach details of "real estate identifier". However, it would have been obvious to one of ordinary skill in the art at the time of the invention to teach such details in view of Bijnagte's disclosure, which is directed toward providing real estate information, and in view of Blinn's disclosure of processing merchant information (see columns 7-12, e.g., column 10, lines 5 et seq--The merchant system 120 provides a set of HTML pages dynamically generated from queries to a database 121 having store information, such as inventory data, advertising copy, product images, pricing, customer information and promotions.) One of ordinary skill in the art would be motivated to process queries that include "ISPID", etc., in order to help the user to narrow searches.

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**As per dependent claims 34-35**, although Blinn teaches a URL with a server and various identifiers (Blinn column 7 lines 14-26), Blinn does not specifically teach a resource identifier immediately following a server name. However, Nazem teaches a URL with a server name (quote.yahoo.com) with resource identifier call to Dow Jones (a remote information resource) immediately after said server (quotes?SYMBOLS=^DJI&detailed=t) (see Nazem column 13 near middle of table listing). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nazem to Blinn, providing Blinn the benefit of adaptation to various types of URL remote resource calls for gathering external information.

8. **Claims 9-11, 19-20, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al (5,897,622), Nazem et al (5,983,227), Bijnagte (5,235,680) as applied to claims 27, 29, 32 above, and further in view of Anderson et al (5,974,396) (listed on Applicant's IDS).**

**As per dependent claims 9-11, 19-20, and 25-26**, it is noted that Blinn, Nazem, and Bijnagte fail to disclose "compiling and maintaining statistics" based on the marketing code or "report function". However, refer to Anderson's abstract; figures 1, 6, 12A, and 13; and columns 5-12. Anderson discloses gathering and analyzing customer and purchasing information based on buying habits, needs, demographics, etc. Anderson's system is used to generate reports in response to retailer queries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Anderson with those of Blinn, Nazem, and Bijnagte in arriving at the instant invention because it would allow realtors to conveniently gather demographic details and other marketing data for their clients and for the realtors themselves.

9. **Claim 5 is rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al., Nazem et al, and Bijnagte, as applied to claim 27 above, and further in view of Kirkevold et al. (6,263,322).**

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As per dependent claim 5, Blinn et al. does not specifically teach a VIN code. However, Kirkevold et al. teaches querying via VIN code (Kirkevold et al. column 17 lines 35-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkevold et al. to Blinn et al., providing Blinn et al. the benefit of vehicle identification as part of resource identifiers, to broaden the scope of querying.

#### *Response to Arguments*

10. Applicant's arguments filed 5/24/2005 have been fully and carefully considered but they are not persuasive.

Applicant argues on pages 7-8 of the amendment that the cited references do not teach Applicant's amended claim limitations. Nazem teaches a URL with a server name (quote.yahoo.com) with a resource identifier call to Dow Jones placed immediately after said server, separated by a "/" mark (quotes?SYMBOLS=^DJI&detailed=t) (see Nazem column 13 near middle of table listing). It is respectfully submitted that Nazam's above teaching can be fairly interpreted as an identifier. These identifiers can be added to Blinn's URL accordingly (Blinn column 7 lines 15-16), so as to create a more refined query. Although Nazam is relied upon for this teaching, nevertheless, Blinn's URL indicating various URL portions are at least suggestive of identifiers (i.e. "shopper\_id", etc.) (see Blinn column 7 lines 15-41).

#### *Conclusion*

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

August 3, 2005